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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,667	02/25/2005	Young-Yong Eom	Q86410	7647

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EXAMINER

BATTULA, PRADEEP CHOUDARY

ART UNIT PAPER NUMBER

3722

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/525,667	EOM, YOUNG-YONG	
	Examiner	Art Unit	
	Pradeep C. Battula	3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-8 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/25/05 & 3/16/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed on February 25, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: The manner and pre-determined area in which sheets are fixed on the inner surface of the cover of a multirole notebook.

Claims 2,3 and 6-8 are further rejected due to dependence of independent Claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeisky et al. (Zeisky, U.S. 5,192,093).

In regards to Claim 1, Zeisky discloses a multifunctional notebook 10 comprising: a cover (composed of 12, 14, 28) which is composed of a front cover 12 and a back cover 14 (Column 2, Lines 4 – 9; Figure 1, Items 10, 12, 14); and at least one sheet of inner paper 16 which includes a plurality of recording sheets 18 (Column 2, Lines 9 – 10; Figure 2, Items 16, 18); defined by folding the sheet of inner paper 16 in an accordion style so that adjacent folded edges of the inner paper face opposite directions (Figure 6, Item 18) and is fixed to a predetermined part 34 of the inner surface of the cover 28 (Column 2, Lines 21 – 25; Figure 6, Items 28, 34). With respect to at least one title section, which is used for classifying predetermined data, and an information section, in which the predetermined data is recorded, are provided in a direction perpendicular to a direction along which the plurality of recording sheets are connected to one another is rejected under *In re Gulack*. Zeisky discloses the claimed invention except for the specific arrangement and/or content of indicia (Title Section and perpendicular printed information with respect to connection of the page) set forth in the claim(s). It has been held that when the claimed printed matter is not functionally related

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to the substrate it will not distinguish the invention from the prior art in terms of patentability. *In re Gulack*, 217 USPQ 401, (CAFC 1983). The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an individual with a specific type of indicia does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship necessary for patentability.

The examiner asserts that the notebook comprising folded sheets and indicia is the same structure claimed by applicant and the sole difference is in the content of the printed material. Thus, there is no novel and unobvious functional relationship between the printed matter (title section and information) and the substrate (sheet 16) which is required for patentability.

Accordingly, there being no functional relationship of the printed material to the substrate, as noted above, there is no reason to give patentable weight to the content of the printed matter which, by itself, is non-statutory subject matter.

In regards to Claim 2, Zeisky discloses the multifunctional notebook of claim 1, wherein the plurality of recording sheets 18 are horizontally connected to one another (Figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 6 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeisky et al. (Zeisky, U.S. 5,192,093) as applied to Claim 1, in view of Waldman (U.S. 4,527,923).

In regards to Claim 3, Zeisky does not disclose the multifunctional notebook of Claim 1, wherein the plurality of recording sheets are vertically connected to one another.

Waldman teaches of a plurality of accordion folded sheets 25 wherein the plurality of recording sheets are vertically connected to one another (Figure 2) (Column 1, Lines 50 – 54; Column 2, Lines 11 – 13). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have recording sheets vertically connected in order to place continuous recording sheets in a notebook that have come from a computer printer.

In regards to Claim 6, Zeisky does not disclose the multifunctional notebook of Claim 1, wherein each of the plurality of recording sheets has an index means at one side.

Waldman teaches of continuous sheets 25 which are accordion folded that contain an index section 32 (Column 2, Lines 13 – 26; Figures 2 and 3, Item 32).

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Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Waldman's sheets in Zeisky's notebook in order to place continuous recording sheets in a notebook that have come from a computer printer and allow for the capability of each page to be marked.

In regards to Claim 7, as applied to Claim 6, Zeisky modified by Waldman discloses the multifunctional notebook of Claim 6, wherein the index means 32 is as many perforated hole patterns as there are recording sheets are provided, and the perforated hole patterns are regularly distanced from each other (Column 2, Lines 13 – 26; Figures 2 and 3, Item 32).

In regards to Claim 8, Zeisky does not disclose the multifunctional notebook of claim 1, wherein a perforated line is formed on the plurality of recording sheets so that each of the plurality of recording sheets can be divided into two or more parts along a direction along which the plurality of recording sheets are connected to one another.

Waldman teaches of a perforated line 28 that separates sheets 25 (Column 2, Lines 13 – 18). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to incorporate Waldman's perforations lines in order to allow for separation of Zeisky's sheets 18. Furthermore, it would have been obvious to add perforations along the same direction of sheets 18 in order to increase the amount of sections on each sheet where indicia can be printed and can be folded or separated.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Monday - Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB
Patent Examiner
August 25, 2006


MONICA CARTER
SUPERVISORY PATENT EXAMINER